IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NOs: 4571 and 4721 of 1998

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WRIT PETITION NO.4571 of 1998

Between:

G.V.Nagendra Rao, S/o. G.V.Bhagawan,
R/o. Vihayawada, Krishna Dist.

..... PETITIONER

AND

1 Govt., of A.P., Rep.by it's Secretary,Industries and Commerce(SES.II)Dept., Secretariat, Hyderabad.
2 The District Collector, Krishna Dist.,and Chairperson, KRISHI , Near PWD Grounds, Krishna Dist, Vijayawada.
3 Krishna Insriat Self Help Institution Near PWD Grounds, Vijayawada -10, Krishna Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring the action of the respondents in not regularising the services of the petitioner in the post of Clerk-cum-typist on the regular scale of pay attached to the said post with effect from 5.2.1985, the initial date of entry into service as was done in the case of other employees similarly situated like him, as illegal, arbitrary, discriminatory etc., and grant such other just and consequential relief or reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.V.L.N.SARMA

Counsel for the Respondent Nos.1 and 2: GOVERNMENT PLEADER FOR INDUSTRIES AND COMMERCE

Counsel for the Respondent No.3: MR.K.RAMANUJACHARI

WRIT PETITION NO : 4721 of 1998

Between:

I.V. Krishna Rao S/o. Perumalayya
R/o. Vijayawada, Krishna District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, rep. by its Secretary, Industries and

Commerce (SES.II) Department, Secretariat, Hyderabad.
2 The District Collector, Krishna District, and Chairperson, KRISHI, Near

PWD Grounds, Vijayawada.
3 Krishna Industrial Self Help Institution Near PWD Grounds, Vijayawada-10,

Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring the action of the respondents in not regularising the services of the petitioner in the post of clerk-cum-typist on the regular scale of pay attached to the said post with effect from 8.5.1981, the initial date of entry into service as was done in the case of other employees similarly situated like him, as illegal, arbitrary, discriminatory etc.,

Counsel for the Petitioner: MR.V.V.L.N.SARMA

Counsel for the Respondent Nos.1 and 2: GOVERNMENT PLEADER FOR

INDUSTRIES AND COMMERCE

Counsel for the Respondent No.3: MR.K.RAMANUJACHARI

The Court made the following:

COMMON ORDER:

These two writ petitions are filed by two workmen of the respondent Society. They are seeking regularisation of their services as well as for regular scale of pay attached to the post with effect from their initial date of appointment.

According to the workmen, they were appointed in the years 1985 and 1981 respectively as Clerk-cum-Typists. They are being paid on daily wage rates, which are very meager. They have been in service from their original appointment of 1985 and 1981. The respondents did not regularize the services of the workmen and paying the regular scale of pay attached to the post, hence the present two writ petitions.

In fact, the services of these workmen were terminated/removed on certain disciplinary measures. But, however, those orders were assailed before the Labour Court and the Labour Court ordered reinstatement, as per which, they were reinstated and are being

continued. Though it is represented on behalf of the management that the first workman i.e., Sri Nagendrarao is not continuing in service as he has been absenting from duty. As no scales are paid and their services are not regularized, they have come up with the present writ petitions. The said claim is disputed by the management.

However, at the time of hearing, the learned counsel for the workmen placed a judgment of a Division Bench of this Court in a batch of writ petitions passed in W.P.No.12272 of 1992 and batch dated 16.07.1997, where the adhoc employees of various Societies like the respondent, have approached this Court for almost identical relief of regularization of their services and for the payment of scale of pay attached to the post. This Court while disposing of the said batch of writ petitions found that the Government ordered that the employees of the STEP will be entitled to get 75% of the corresponding Government scales both in respect of pay as well as other admissible allowances. The order was implemented by the management as per the decision of the Managing Committee in its meeting held on 06.02.1995 by extending the benefit with effect from 01.08.1993.

As identical issues were considered by the Division Bench of this Court, it would be appropriate to direct the respondents to consider the cases of the petitioners also on par with the employees whose cases were disposed of by the judgment in the above batch of writ petitions.

In the light of the above judgment, the respondents are directed to consider the claim of the petitioners on par with other employees who are similarly placed holding similar posts and discharging similar duties and extend the benefit of the scale of pay as per the observations and directions issued by this Court in the above judgment passed in the batch of writ petitions.

These writ petitions are accordingly disposed of with the above direction in the light of the judgment of the Division Bench of this Court in the above batch of writ petitions. No costs.

03.09.2004

VGB

To

1 The Secretary, Government of Andhra Pradesh, Industries and

Commerce (SES.II) Department, Secretariat, Hyderabad.
2 The District Collector, Krishna District, and Chairperson, KRISHI, Near

PWD Grounds, Vijayawada.
3 Krishna Industrial Self Help Institution Near PWD Grounds, Vijayawada-10,

Krishna District.

4 2 CCs to the Government Pleader for Industries and Commerce, High Court

Buildings, Hyderabad (OUT)

5 2CD copies